



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

☒ Specific Waiver

SUBJECT Request by Acalanes Union High School District to waive Education Code (EC) Section 46202(b), the longer day incentive program penalty for offering less instructional time in the 2002-2003 fiscal year than what the district offered in 1982-1983, at Miramonte High School (shortfall of 196 minutes). Waiver Number: 160-3-2004	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the district maintain increased instructional time at Miramonte High School in grades 9 through 12 from the required 65,534 minutes per year to 65,730 minutes per year (65,534 plus the 196 minutes short) for a period of two years beginning in 2003-2004 and continuing through 2004-2005, and report the increase in its yearly audits.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

The SBE has approved similar requests with conditions. EC section 46206 authorizes waivers to be granted for fiscal penalties as a result of a shortfall in instructional time. This section of the Education Code is very prescriptive and states that a waiver may only be granted upon the condition that the school or schools in which the minutes, days, or both, were lost, maintain minutes and days of instruction equal to those lost in addition to the amount for twice the number of years that it failed to maintain the required minimum length of time for the instructional school year, minimum number of instructional days for the school year following the year, or both. The instructional time has to be made up beginning not later than the school year following the year in which the waiver was granted and continue for each succeeding school year until the condition is satisfied.

SUMMARY OF KEY ISSUES

Acalanes Union High School District requests a waiver of EC section 46201(d), the longer day incentive program penalty, which states that minutes of instructional time must be offered at the appropriate level. In the 2002-2003 school year, the Acalanes Union High School District miscalculated the minutes for Miramonte High School for the ninth through twelfth grades by **counting a break time** that was later disallowed by the auditors for the Wednesday meeting schedule and final exam schedule. This created a shortage of 196 instructional minutes for the 2002-2003 school year. The result is a penalty of \$87,923.

The district has institutionalized new procedures and policies to prevent the

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reoccurrence of this error. The district now requires each school site to compute their instructional minutes at the beginning and middle of each school year and submit their calculations to their business office for review. This monitoring of instructional time should prevent any instructional time shortfalls in the future. The district has begun to make up the time by increasing their instructional time to 65,730 (65,534 plus 196) in the 2003-2004 school year and will continue the increased time schedules for school year 2004-2005.

Therefore, the department recommends approval on the condition that the district maintain increased instructional time at Miramonte High School in grades 9 through 12 from the required 65,534 minutes per year to 65,730 minutes per year (65,534 plus the 196 minutes short) for a period of two years beginning in 2003-2004 and continuing through 2004-2005, and report the increase in its yearly audits.

Authority for the Waiver: 46202

Bargaining unit(s) consulted on date(s): February 23, 2004

Position of bargaining unit(s) (choose only one):

☐

Neutral

☒

Support

☐

Oppose

Name of bargaining unit(s)/representative(s): Gail Clarke and Lori Tewksbury

Local board approval date(s): March 3, 2004

Period of request: July 1, 2002 to June 30, 2003

FISCAL ANALYSIS (AS APPROPRIATE)

The repayment amount as required by law is: 5,401 (Affected Daily Attendance) times \$5,404.08 (Base Revenue Limit) equals \$29,187,436.08 (Apportionment). 196 (Number of minutes short) divided by 65,534 (Required Number of Minutes) equals 0.002990814 (Percentage). \$29,187,436.08 (Apportionment) times 0.30% (Percentage) equals \$87,294.19 (Penalty). The district is requesting that the full penalty be waived.

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.